

IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

STEVEN SHELTON,

Plaintiff,

v.

DILLARD'S DEPARTMENT STORE,
et al.,

Defendant.

2008 JAN -2 P 4:01

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT

Civil Action No.: 2:07-cv-981-MHT

DEFENDANT MICHAEL FARRIER'S RESPONSE TO ORDER

COMES NOW the Defendant, Michael Farrier, and in response to the Order of this Court dated November 26, 2007 states as follows:

1. The Defendant Michael Farrier is unaware of any actions necessary for prison officials to take; and, is unaware of any similar complaints that should be considered.

DEFENDANT MICHAEL FARRIER'S WRITTEN REPORT TO THE COURT

2. Attached as Exhibit A is the statement of the Defendant Michael Farrier. Michael Farrier is unaware of any other persons having knowledge of the events.

AFFIRMATIVE DEFENSES

First Defense

The Complaint fails to state a claim upon which relief can be granted.

Second Defense

The Defendant pleads the general issue, not guilty.

Third Defense

The Defendant denies each and every material averment of the Plaintiff's Complaint and demands strict proof thereof.

Fourth Defense

The Defendant denies that he was guilty of excessive force or assault as is alleged in the Complaint and avers the Plaintiff assumed the risk of injury when he threatened to kill the Defendant for arresting the Plaintiff.

Fifth Defense

The Defendant claims that the Plaintiffs injury was a result of an illegal act.

Sixth Defense

The Defendant denies that he was guilty of Count I as is alleged in the Complaint and demands strict proof thereof.

Seventh Defense

The Defendant denies that he was guilty of Count II as is alleged in the Complaint and demands strict proof thereof.

Eighth Defense

The Defendant claims that the Plaintiff's injuries complained of are a result of a preexisting injury and not a result of any actions of the Defendant, Michael Farrier.

Ninth Defense

The Defendant denies that he was guilty of Counts I and II as is alleged in the Complaint because of an unavoidable accident.

Tenth Defense

The Defendant denies that he was guilty of Counts I and II as is alleged in the Complaint

because the Plaintiff comes into court with unclean hands.

Eleventh Defense

The Defendant denies that he wrongfully arrested or falsely imprisoned the Plaintiff on the occasion of the incident made the basis of this suit and demands strict proof thereof.

Twelfth Defense

The Defendant denies that he was guilty of assault and battery as is alleged in the Complaint and demands strict proof thereof.

Thirteenth Defense

The Defendant avers that there is no causal relationship between the actions of this Defendant and the injuries and damages referred to in the Complaint.

Fourteenth Defense

The Defendant avers that the incident complained of was proximately caused by an independent, intervening or superseding cause, and not by the acts of this Defendant.

Fifteenth Defense

The Defendant denies that the Plaintiff was injured to the nature and extent claimed and demands strict proof thereof.

Sixteenth Defense

The claims of the Plaintiff are barred by contributory negligence.

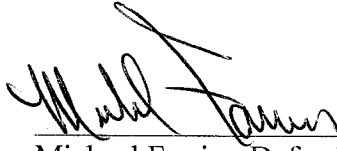
Seventeenth Defense

The Defendant avers that venue is improper.

PLAINTIFF'S STATUS


3. The Defendant Michael Farrier avers the Plaintiff was a shoplifter, stealing merchandise from Dillard's Department Store on April 21, 2007.

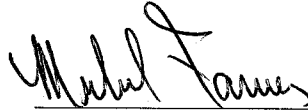
Done this 2nd day of January, 2008.



Michael Farrier, Defendant, Pro Se
4031 Malabar Drive
Montgomery, AL 36116

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the Plaintiff Stevens 
Montgomery County Detention Facility, PO Box 4599, Montgomery, AL 36103 this the 2nd day of
January, 2008.



Michael Farrier, Defendant, Pro Se
4031 Malabar Drive
Montgomery, AL 36116

This document prepared by:
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"A"

To: Whom it may Concern,
 From: Michael M. Farrier
 Date: Dec. 27, 2007

On Saturday, April 21, 2007, 2:20 pm I, Michael M. Farrier observed Steve Shelton and another Black Male in a white Cadillac riding on Fashchoe Pkwy. I watch them turn into the Fashchoe Dillard's Parking lot on the ~~west~~ side of the store and go to the ~~North~~ side of store and around to the East of the store, where the Black Male that was with Steve Shelton was Driving. He backed in the Cadillac and Steve Shelton got out and went inside the store. I advised, the Camera operator, Mr Calhoun that Steve Shelton was inside of the store. I told him that Steve Shelton was wearing a black shirt with white stripes and grey and black short to the knee and a black baseball cap. I waited outside of the store at the corner of the building in my truck; watching the east doors of Dillard's. I was talking with Mr Calhoun and he advised me that Steve Shelton had just left the Men's suit Dept. and he was headed back to the east door. I waited until Steve Shelton came out of ~~the~~ the east door. I saw that he had something inside of his pant and at the same time Mr Calhoun was telling me on the Radio that Steve Shelton had some suits from the men dept. of Dillards. I drove up to Steve Shelton and advised him that he was under arrest and I observed a grey men suit that was hanging out of his pant. I got out of my Truck to arrest him and he took off running down

the sidewalk, I got back in my truck and went after him. He ran into an utility cover and took the suits out of his pant and ran into the south door of Dillard's. I checked the utility cover and recovered the suits and went in the south end coworker in the store advised the he was on the floor hiding. Stenchelton got up and started running back to the east door. I got back in my truck and went around to the east door. On the Radio Mr Calhoun was advising me that he was coming out of the east door. As he exited the east door, I advised him again that he was under arrest. He became very loud and began using profane language. Stenchelton if I put my hand on him, he was going to kill me. Again I advised him to put his hand on the vehicle beside him and he was under arrest. He stated. If you touch me, I will kill you Motherfucker. I grabbed his shirt and told him he was under arrest and to turn around and put his hands on the vehicle. He began to pull away and hitting my hand and arm with his hands, I in an attempt to get away. He hit my hand and arm about five time before the T-shirt that was wearing was taken away. I then grabbed his pant at the ~~waistband~~ waistband, trying to hold on to him, when he started swinging at me with his right hand. At that time he was fighting me. I attempted to subdue him by using my baton to strike him on his shoulder. he ducked and I hit him inside the head. Causing a small cut

to his head. he said you hit me and sat down on the ground. Where I had cuffed him and I 911 for medical assistance and the Police Dept. He was treated on the scene and taken to Baptist E. R. I went to Police Dept and signed Warrants for Theft of Property 2nd. and Harassment 3rd.

Mukul Y. James